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Intergovernmental working group of experts
on human rights of migrants
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INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Submission from the Permanent Mission of Malaysia
to the United Nations Office at Geneva

GE.98-10219

Questionnaire on Human Rights of Migrants

The Permanent Mission of Malaysia to the United Nations and other International Organisations in Geneva presents its compliments to the Secretary General and has the honour to refer to the latter's fax GVA 8995 regarding the above.

In this connection, the Permanent Mission would like to furnish the following information:-

1. **What are the latest figures or estimates for:**

Total population:

- estimated at 20 million

No of national abroad:

- There is no official record

Non-nationals having authorization to work in the country:

- 1,221,564

Estimate of irregular migrants, including visa abusers, by country of origin:

(a) illegals - estimated at 700,000

(b) visa abusers - the number of over stayers is estimated at 450,000

2. **What measures are being taken to strengthen the promotion, protection and implementation of the human rights of migrants, such as:**

Legal measures:

The entry and presence of foreign workers into Malaysia is subject to the laws and regulations as stipulated in the Immigration Act 1963 and its Subsidiary Legislations. However, migrant workers who choose to enter the country and work illegally do so on their own volition and would then be exposing themselves to possible punishment under the Act.

The employment Act 1955, the primary labour legislation in Malaysia accords the same protection, rights and benefits to both local as well as foreign employees without any distinction.

Provision of direct assistance and services:

The Ministry of Human Resources has labour departments in all States to assist workers who have complaints such as regarding work, salary in arrears etc. The workers can seek the assistance of these labour departments to resolve their problems.

Other measures, including bilateral:

Formal bilateral agreements are signed with source countries which stipulate the terms and conditions as well as the procedures on the recruitment of foreign workers.

Guidelines on work ethics and social norms are being discussed and addressed in the various fora and other avenues of consultation within the context of regional cooperation.

3. **Have there been manifestations (How many cases?) of racism, xenophobia and other forms of discrimination against migrants in your country and against your nationals in another country?**

There has been no manifestation of racism, xenophobia or any other forms of discrimination against migrants employed in this country. Both migrant and local employees work in a conducive environment complementing each other at the work place.

The Industrial Relations Act 1967, moreover, protects the rights of the workers including migrants from any form of discrimination. Section 20 of the Act enables every employee, be they members of the Trade Unions or otherwise, to make representations within 60 days of the dismissal to the Department of Industrial Relations for reinstatement in their former employment for wrongful dismissal.

In 1997, a total of 91 representations from migrants for reinstatement in their respective employment because of unjust cause have been recorded and appropriate actions pursued.

4. **What steps have been taken in order to ratify the 1990 International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families, the International Labour Organisation (ILO) Convention concerning Migration for Employment (Revised), 1949 (No. 97), and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1995 (No.143)?**

a. Malaysia has ratified ILO Convention No. 97.

b. Malaysian labour laws accord equality of treatment for both local and foreign workers who are legally employed. It is the policy of the Government to provide equal remuneration for work of equal value, conditions of employment, including hours of work, holidays and other benefits that they are entitled under the labour legislations.

The Permanent Mission of Malaysia to the United Nations and other International Organisations avails itself of this opportunity to renew to the Secretary General the assurances of its highest consideration.

(RAJA NUSHIRWAN ZAINAL ABIDIN)